

**United States Bankruptcy Court
District of Utah**

Garnishment Packet

Personal Services (Wage)

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UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

Plaintiff,

vs.

Defendant,

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**APPLICATION FOR
GARNISHMENT**

Case No.

The Plaintiff hereby applies for a writ of garnishment on the following grounds:

1. That judgment has been entered in the above-cited action requiring the payment of money. The amount that remains due on the judgment is \$_____.
2. That the property to be garnished consists of :

(If known, list the nature, location, account number and estimated value of the property)
held by:

(List name, address and phone number of the person holding the property)

3. That the business or person to be charged as garnishee is:

3. That: (check one of the following)
☐ a. Said property consists in whole of earnings from personal services.
☐ b. Said property consists in part of earnings from personal services.
☐ c. Said property does not consist of earnings from personal services.

4. That the following persons are known to claim an interest in property:

5. That the garnishee fee established by Utah Code Section 78-7-44 is attached.

DATED this ____ day of _____, 20____.

Plaintiff/Attorney for Plaintiff

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

Plaintiff,

vs.

Defendant

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WRIT OF GARNISHMENT (Wage)

Bankruptcy No.

THE UNITED STATES OF AMERICA TO: _____,
Garnishee.

You are hereby ordered by the Court to hold a portion of Defendant's pension, wages, or other income (not to exceed the outstanding amount owed on the judgment or order and court approved costs in this matter, being \$ _____) due at the next scheduled payday or on deposit as calculated pursuant to the attached questions, which are called Interrogatories. To determine the income available for garnishment, you are required to answer the attached Interrogatories and file your answer with the Clerk of this Court, within five (5) business days of the date this Writ is served upon you, at the following address:

Clerk, U.S. Bankruptcy Court
Frank E. Moss United States Courthouse
350 South Main Street, Room 301
Salt Lake City, Utah 84101

You are also required to send a copy of your answers to the plaintiff at the following address:

Name: _____

Address: _____

If you fail to answer, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you owe or will owe money to the Defendant, you shall mail immediately by first class

mail a copy of this Writ, your answers to the Interrogatories, the Notice of Garnishment and Exemptions, and two (2) copies of the Request for Hearing to the Defendant at the last known address of the Defendant shown on your records at the time of the service of this Writ. In lieu of mailing, you may hand-deliver a copy of these documents to the Defendant.

YOU MAY DELIVER to the officer serving this Writ the portion of Defendant's earnings or income to be held as shown by your answers. By doing so, you will be relieved from further liability in this case unless your answers are successfully disputed. You may, in the alternative, hold the money. If you do not receive a copy of a request for hearing within 20 days of service of your answer to the Interrogatories on the defendant or any other person claiming an interest in the property, you shall pay the money to the plaintiff or plaintiff's attorney. If you receive a copy of a request for hearing within the 20 days, you must hold the money until further order of the court.

YOU SHALL PAY to Defendant the portion of the Defendant's earnings or income which are not held by this Writ of Garnishment at the time the same is normally paid to defendant(s), as calculated in Interrogatory 4(e) of the attached Interrogatories.

ISSUED this ____ day of _____, 20__.

WILLIAM C. STILLGEBAUER
CLERK OF COURT

By _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

NOTICE OF GARNISHMENT AND EXEMPTIONS

YOUR MONEY MAY BE TAKEN TO PAY A CREDITOR.

PLEASE READ THIS NOTICE CAREFULLY

The attached *Writ of Garnishment* and *Answers to Garnishee Interrogatories* have been issued on request of a creditor (the plaintiff) who sued you and won and received judgment against you (or a prejudgment Writ of Garnishment has been issued against you). This means that money held for you by the garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this Notice too.

The law provides that certain monies cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

- * Social Security Benefits
- * Supplemental Security Income (SSI)
- * Certain Pensions
- * Unemployment Benefits
- * Public Assistance (Welfare)
- * Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
- * Property or money of a person who did not have a judgment entered against them.
- * Alimony or Child Support
- * Veterans' Benefits
- * Workers' Compensation benefits
- * Unemployment Benefits

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts. The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property that are to be taken belong to you, but the judgment is not against you, your money should not be taken.

If you are a co-owner of property that is taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE TAKEN, YOU MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the plaintiff mailed or delivered this notice to you.

1. If funds in your account were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached "Request for Hearing" check the appropriate boxes in paragraph two.
3. Sign your name in the space indicated and provide the address where the Court Clerk is to notify you of the hearing.

A KNOWINGLY-MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

4. Mail or take the *Request for Hearing* to the Court Clerk within ten (10) days from the date this notice was mailed or delivered to you. Mail a copy of the Request for Hearing to the garnishee. Keep the second copy of the "Request for Hearing" for your records. The Clerk of Court will set the matter for hearing and notify you. You have a right to a hearing within ten (10) days from the date the Clerk of Court receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may wish to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court on the designated time and prove that the garnishment was issued improperly, that the answers to the interrogatories are inaccurate, or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but you believe that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

Plaintiff,

vs.

Defendant,

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**REQUEST FOR
HEARING**

CASE NO. _____

I. **Respond to these items if funds in your account were garnished:**

- A. ☐ I believe that the Writ of Garnishment was issued improperly. (Explain)

- B. ☐ I believe that the Answers to Interrogatories are inaccurate. (Explain)

- C. ☐ The funds in my account are exempt from garnishment because they are: (Check applicable boxes):

<input type="checkbox"/> Social Security Benefits	<input type="checkbox"/> Pensions
<input type="checkbox"/> Supplemental Security Income (SSI)	<input type="checkbox"/> Veterans' Benefits
<input type="checkbox"/> Veterans' Benefits	<input type="checkbox"/> Alimony/child support
<input type="checkbox"/> Unemployment Benefits	<input type="checkbox"/> Public Assistance
<input type="checkbox"/> Workers' Compensation Benefits	(welfare)
<input type="checkbox"/> Wages/income from personal services	<input type="checkbox"/> Owned by another
<input type="checkbox"/> [Partly owned by me	person
<input type="checkbox"/> Other (describe) _____	

- D. Check one box:

☐ All funds in my account are exempt.
☐ I believe that \$____ of the amount in my account is exempt. (Fill in the dollar amount you believe is exempt.)

- E. Check if applicable

☐ I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

F. Check if applicable

☐ I have attached copies of the documents that show that my money is exempt.

II. **Respond to these items if all or part of your wages were garnished.**

A. ☐ I believe that the writ of garnishment was issued improperly. (Explain)

B. ☐ I believe that the Answers to Interrogatories are inaccurate. (Explain)

C. ☐ I believe that all or part of my wages are exempt from garnishment.
(Explain) _____

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I HEREBY REQUEST THAT THIS MATTER BE SET FOR A HEARING. I HAVE SENT A COPY OF THIS REQUEST FOR HEARING TO THE GARNISHEE.

DATED THIS __ DAY OF _____, 20__.

*(Please
type or
print)*

Name: _____

Address: _____

Telephone: _____

Signature: _____

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

INTERROGATORIES TO GARNISHEE
(Earnings for Personal Services)

Garnishee Name

Case Title

Case Number

(Give your answers in the spaces provided and attach additional sheets if necessary.)

1. Is the Defendant employed by you or does Defendant render services for you?

ANSWER Yes ____ No ____

2. (a) What is Defendant's pay period?

ANSWER Weekly__ Biweekly__ Semi-monthly__ Monthly__ Other ____

- (b) What is Defendant's hourly or periodic rate of pay or other manner of compensation?

ANSWER: _____

- (c) What is the date of the Defendant's next payday?

ANSWER _____

3. Do you owe the Defendant compensation for personal services (work)?

ANSWER Yes ____ No ____

4. If your answer is yes, figure out, as explained below, the amount of defendant's pay that must be held.
Assume you are calculating this on the last day of the pay period.

ANSWER (a) Gross earnings or income for the pay period during which this writ was served
\$ _____

- (b) Less deductions for taxes and other items REQUIRED BY LAW to be deducted
from above amount:

Federal Income Taxes \$ _____

FICA \$ _____

State Income Taxes \$ _____

Other amounts required by law
to be deducted (Identify) _____

\$ _____

- (c) Total of these deductions \$ _____
- (d) Disposable earnings or income
(Item (a) minus Item (c)) \$ _____
- (e) Exempt amount (to be paid to the employee)
Greater of 1, 2 or 3 below
- (1) 75% of Defendant's total disposable earnings or income (Item d):
\$ _____
- (2) \$154.50 times the number of weeks in the pay period:
\$ _____
- (3) Defendant's disposable income as calculated in item (d) minus the
amount owed on the judgment as shown on the Writ of Garnishment:
\$ _____
- (f) AMOUNT ATTACHED BY THIS GARNISHMENT
(Item (d) above minus the exempt amount as determined in Item (e) above)
\$ _____

5. Do you know of any other employment, income or income-producing activities of the Defendant? If so, please explain.

ANSWER: _____

6. Other than as set forth above, are you indebted to Defendant?

ANSWER: _____

7. Do you know of any debts owing from any other person to Defendant?

ANSWER: _____

DESCRIPTION: _____ VALUE: _____

8. Have you retained or deducted from the property or money in which you are indebted to Defendant(s) any amount in payment, in full or in part, of a debt owed by Defendant(s) or Plaintiff(s) to you?

ANSWER: _____

9. If so, state the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

UNITED STATES OF AMERICA ss.

I do swear, or affirm, that I am the garnishee, or person authorized to execute this instrument and make this verification on behalf of garnishee, and that the answers to the foregoing interrogatories are true to the best of my information and belief.

I also swear or affirm that I mailed by first class mail or hand-delivered a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and two (2) copies of the Request for Hearing, to the Defendant at:

Street address: _____
City: _____ State: _____ Zip: _____
date mailed: _____

or hand-delivered to _____, at _____ on _____
(Person) (Place) (Date)

I also swear or affirm that the following other persons were also provided a copy of the Writ of Garnishment, Answers to the Interrogatories, Notice of Garnishment and Exemptions, and Request for Hearing.

Person	Date Mailed	or	Date Hand-Delivered
Address (if mailed): _____			

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__

(SEAL)

NOTARY PUBLIC
Residing at: _____

My Commission Expires on _____

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
OFFICE OF THE CLERK OF COURT**

INSTRUCTIONS FOR COMPLETING GARNISHMENT FORMS

1. Provide all required information on the Writ of Garnishment, including the address of the plaintiff or the plaintiff's attorney to which the answers to the Interrogatories will be mailed.
2. Indicate the case name and number where required on all forms.
3. Indicate the name of the garnishee on the Interrogatories.
4. Bring the check for the garnishee to the court for attachment to the Writ of Garnishment at the time that it is issued.
5. Complete the Application for Garnishment. Be certain to include on it the amount remaining on the judgment.

Thank you for your cooperation